

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

BRODERICK BROWN,

Petitioner,

VS.

WILLIAM STEPHENS,

Respondent.

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CIVIL ACTION NO. 3:13-CV-342

**MEMORANDUM AND ORDER**

This is an application for writ of habeas corpus relief from punishment rendered in disciplinary proceeding no. 20130278725. An identical claim for relief was also brought by Brown in Civil Action No. G:13-cv-380. The claims in that case were dismissed with prejudice and the appeal was dismissed for want of prosecution by the Fifth Circuit Court of Appeals.

A timeline of the filing dates in the two cases is as follows:

09-25-13      **13cv342** – filed

10-03-13      **13cv342** – dismissed as improperly filed

10-11-13      **13cv342** – motion for reconsideration

10-23-13      **13cv380** -- filed

04-07-14      **13cv380** – dismissed with prejudice on the merits

05-20-14      **13CV342** – motion for reconsideration granted; case reopened.

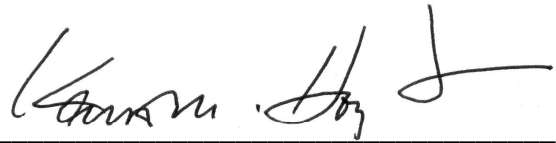
Given the Court's oversight in reinstating this case, it is understandable why the petitioner is pursuing the claims. However, the claims in this case were decided and dismissed in G-13-cv-380, and this case must therefore be dismissed.

Accordingly, this case is **DISMISSED** with prejudice because it is duplicative of Civil Action No. G-13-380, which was dismissed with prejudice for failure to state a claim on April 17, 2014.

A certificate of appealability is **DENIED**.

It is so **ORDERED**.

SIGNED on this 16<sup>th</sup> day of June, 2014.

A handwritten signature in black ink, appearing to read "Kenneth M. Hoyt", is written over a horizontal line.

Kenneth M. Hoyt  
United States District Judge